

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L. KELLEY,

Plaintiffs,

v.

BORGWARNER INC., BORGWARNER
DIVERSIFIED TRANSMISSION
PRODUCTS INC., and BORGWARNER
FLEXIBLE BENEFITS PLANS,

Defendants.

Case 2:09-cv-10918-PDB-MKM

U.S. District Judge Paul D. Borman

U.S. Magistrate Judge Mona K. Majzoub

**BORGWARNER'S SUPPLEMENTAL
APPENDIX OF SUMMARY JUDGMENT AUTHORITIES**

Tab Authority

Cases

- | | |
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| 20 | <i>Bender v. Newell Window Furnishings, Inc.</i> , 725 F. Supp. 2d 642 (W.D. Mich. 2010) |
| 21 | <i>Bender v. Newell Window Furnishings, Inc.</i> , No. 11-1335, 2012 WL 1537916, at *1 (6th Cir. May 3, 2012) |
| 22 | <i>Bittinger v. Tecumseh Prods. Co.</i> , 83 F. Supp. 2d 851 (E.D. Mich. 1998), <i>aff'd</i> , 201 F.3d 440 (6th Cir. 1999) |
| 23 | <i>Cole v. ArvinMeritor, Inc.</i> , 515 F. Supp. 2d 791 (E.D. Mich. 2006) |
| 24 | <i>Gilbert v. Doehler-Jarvis, Inc.</i> , 87 F. Supp. 2d 788 (N.D. Ohio 2000) |
| 25 | <i>Golden v. Kelsey-Hayes Co. (In re Golden)</i> , 73 F.3d 648 (6th Cir. 1996) |
| 26 | <i>Jensen v. SIPCO, Inc.</i> , 38 F.3d 945 (8th Cir. 1994) |
| 27 | <i>Linville v. Teamsters Misc. Workers Union, Local 284</i> , 206 F.3d 648 (6th Cir. 2000) |
| 28 | <i>McCoy v. Meridian Auto. Sys., Inc.</i> , 390 F.3d 417 (6th Cir. 2004) |

Tab	Authority
29	<i>Serrano v. Jones & Laughlin Steel Co.</i> , 790 F.2d 1279 (6th Cir. 1986)
30	<i>Smith v. ABS Indus., Inc.</i> , 890 F.2d 841 (6th Cir. 1989)
31	<i>Westfield Ins. Co. v. Tech Dry, Inc.</i> , 336 F.3d 503 (6th Cir. 2003)
32	<i>Wood v. Detroit Diesel Corp.</i> , 607 F.3d 427 (6th Cir. 2010)
33	<i>Yolton v. El Paso Tenn. Pipeline Co.</i> , 435 F.3d 571 (6th Cir. 2006)

Statutes and Rules

34	Federal Rule of Evidence 401
35	Federal Rule of Evidence 402

Dated: June 14, 2012

Respectfully submitted,

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BorgWarner Flexible Benefits Plans*

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2012, I electronically filed the foregoing **BorgWarner's Supplemental Appendix of Summary Judgment Authorities** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

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